

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review by Consorcio de Escuelas)	
y Bibliotecas de Puerto Rico of Decisions of)	
Universal Service Administrator)	
)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	
)	
Biblioteca Pública Barceloneta	)	Application No. 233178
Biblioteca Pública Adjuntas	)	Application No. 234495
Biblioteca Pública San Lorenzo	)	Application No. 236812
Biblioteca Pública Guayama	)	Application No. 236689
Academia Primaria Adventista	)	Application No. 228886
Biblioteca Pública Camuy	)	Application No. 237339
Biblioteca Pública Caguas, Dr. Pedro Albizu Campos	)	Application No. 236507
Biblioteca Electronica Municipio Autonomo de Carolina	)	Application No. 260589
Biblioteca Pública de Culebra	)	Application No. 237506
Biblioteca Pública Peñuelas	)	Application No. 244332
Biblioteca Pública Salinas, Clemencia Philemon	)	Application No. 244170
Biblioteca Municipal de Corozal, Teofilo Maldonado Rivera	)	Application No. 237386
Biblioteca Pública Guayanilla	)	Application No. 234409
Biblioteca Pública Ceiba, Alejandrina Quinones	)	Application No. 236715
Liceo Aguadillano	)	Application No. 228839
Biblioteca Pública Jayuya, Nemesio R. Canales	)	Application No. 237466
Colegio San Felipe	)	Application No. 229093
Colegio Emmanuel, Inc.	)	Application No. 232226
Biblioteca Pública Santa Isabel, Pedro M. Alomar	)	Application No. 237746
Biblioteca Municipal de Cayey	)	Application No. 237615
Biblioteca Pública Hatillo	)	Application No. 237581
Biblioteca Pública Lajas	)	Application No. 237564
Biblioteca Pública Sabana Grande, Augusto Malaret	)	Application No. 237551
Biblioteca Pública Camuy, Barrio Quebrada	)	Application No. 236860
Colegio Nacional	)	Application No. 232314
Biblioteca Pública Yauco	)	Application No. 237499
Biblioteca Pública Villalba	)	Application No. 236778
Biblioteca Pública Vieques, Jose G. Benitez	)	Application No. 237716
Fajardo Community Private School	)	Application No. 232444
Biblioteca Municipal de Manati, Francisco Alvarez Marrero	)	Application No. 236736
Biblioteca Municipal Las Piedras, Aurea M. Perez	)	Application No. 243153

Biblioteca Municipal de Quebradillas	)	Application No. 260161
Biblioteca Municipal de Boquillas	)	Application No. 244127
Academia de Enseñanza Moderna, Inc.	)	Application No. 232429
Academia Adventista Metropolitana	)	Application No. 228978
Academia Presbiteriana Reverendo Juan E. Mercado	)	Application No. 231427
Colegio San Antonio	)	Application No. 228813
Biblioteca Pública de Añasco, Manuel Guzman Rodriguez	)	Application No. 233108
Biblioteca Pública San Sebastian, Lic. Eduardo Negron B.	)	Application No. 244244
Academia Adventista del Centro, Ramon Rivera Perez	)	Application No. 228164
Biblioteca Pública San Juan, Cantera Rosa M. Sanchez	)	Application No. 236946
Biblioteca Pública Coamo, Coamo, Puerto Rico	)	Application No. 237300
Saint Patrick's Bilingual School	)	Application No. 232457
Biblioteca Pública Municipal Computarizada de Naranjito	)	Application No. 260232

To: Common Carrier Bureau

Request for Review and Waiver

Pursuant to Sections 54.719(c) and 54.721 of the Commission's Rules, 47 C.F.R. §§ 54.719(c), 54.721, the above-referenced applicants ("Applicants") and the Consorcio de Escuelas y Bibliotecas de Puerto Rico ("CEBPR") hereby request review of the attached decisions (Exhibit 1) of the School and Libraries Division ("SLD") of the Universal Service Administrative Company denying appeals to the rejection of the above-referenced applications for Year 4 funding because the mailing of the Block 6 Certifications and Item 21 Attachments were not postmarked before the end of the Year 4 filing window ending January 18, 2001. To the extent necessary, Applicants and CEBPR further request a waiver of Section 54.507(c) of the Commission's Rules, 47 C.F.R. § 54.507(c), and any other FCC rule or SLD policy to permit the consideration of the applications. For the reasons set forth below, the Commission should direct the SLD to accept the applications as having been timely filed during the SLD's filing window for funding Year 4.

I. INTRODUCTION AND STATEMENT OF FACTS.

Applicants are members of CEBPR, a consortium of schools and libraries in Puerto Rico, who filed electronically the above-referenced Form 471 applications with SLD on behalf of the Applicants. As shown on the attached Affidavit of CEBPR's Executive Director, Ms. Ines O'Neill (Exhibit 2), the electronic filing of all applications was properly completed by the close of the Year 4 filing window on January 18, 2001. Based on CEBPR's understanding of the program's procedural requirements, the paper executed Block 6 Certifications and Signature part of the applications and Item 21 Attachments were promptly placed in the United States mail for delivery to SLD on either Friday or Saturday January 19 or 20, 2001. To the best of our knowledge, all mailed papers were received by SLD no later than Monday, January 22, 2001.

Over six months after the submission of the applications, in early July, after the start of the program year and the continuation of existing services by the service provider to many of the Applicants, the above-referenced applications were rejected by SLD solely because the mailing of the Block 6 Certifications and/or Item 21 attachments were postmarked after the 2001-2002 filing window closed on January 18, 2001. CEBPR's initial appeal of the rejections within SLD was denied in the attached notifications (Exhibit 1).¹

The mailing deadline (by the close of the window) was a new requirement for program Year 4. In prior years, Applicants filing electronically were accorded several days after the close of the filing window in which to submit the required paper documentation. No notice of the new and more stringent filing requirement was given by the FCC or SLD on either the paper or electronic version of the Year 4 Form 471 application form and accompanying FCC Form 471 Instructions. Accordingly, CEBPR was not aware of the changed filing requirement.

¹ In addition, CEBPR's Appeal, filed August 23, 2001, to the rejection of 42 other applications for the same reason is currently pending before the FCC. CEBPR requests the two appeals be considered on a consolidated basis.

As hereinafter shown, SLD's attempt to impose this more burdensome and stringent filing requirement only through informal and unofficial web site publications that were not approved by the Office of Management and Budget ('OMB') violates the Paperwork Reduction Act. As the Form 471 form itself notes, "an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number." See Block 6, Notice to Individuals. The scope of the "currently valid OMB control number" for Form 471 encompasses only the actual form and accompanying FCC Form 471 Instructions which were followed by CEBPR in this case. Absent OMB approval, more burdensome and stringent information filing requirements lawfully cannot be imposed by SLD. Moreover, SLD's rejection of Applications that were properly filed electronically contravened the Electronic Signatures in Global and National Commerce Act and cannot be sustained for this reason.

II. SLD'S ATTEMPT TO IMPOSE A NEW AND MORE STRINGENT FILING REQUIREMENT REGARDING THE SUBMISSION OF PAPER DOCUMENTS WAS NOT ONLY INADEQUATE TO GIVE PROPER NOTICE TO APPLICANTS THAT SLD HAD CHANGED ITS PROCEDURES, BUT IT ALSO VIOLATES THE PAPERWORK REDUCTION ACT.

The requirement that applicants send "postmark" hard copies of the Block 6 Certification and Item 21 attachments by the closing of the filing window is a new requirement for program Year 4. While it was noted by SLD in the context of certain web site documents,² the new and more stringent requirements was not set forth on any Form or set of Instructions approved by OMB. Both the paper and electronic versions of FCC Form 471, as well as the FCC Instructions

² Form 471 Minimum Processing Standards and Filing Requirements for FY4, Filing Requirements for Forms 471 Filed Manually and Online, Items 1 and 3; Tips For Completing Your Form 471, Tip 2; and Pitfalls to Avoid in Filing Form 471, Items 1 and 3. None of these documents imposing the additional and more restrictive filing requirement was approved by OMB under the Paperwork Reduction Act. Had they been, they would have borne the OMB Control Number, as required by 44 U.S.C. § 3507(a)(1)(3).

to Form 471 *at no time* advised applicants of a date or deadline by which the paper documents had to be mailed or filed with the SLD. The OMB approved Instructions for Form 471, a copy of the pertinent parts which is attached (Exhibit 3), only specifies the following requirements:

You may complete and submit the Form 471 by filing the Form electronically online at the SLD web site, <www.sl.universalservice.org>. If filing your Form 471 electronically, you must also complete and mail to the SLD the following documents in order to successfully complete the submission of your Form 471 application within the application window:

- The Item (21) description(s) of services, and
- A paper copy of the Block 6 Certification, completed and signed with an original ink signature ...

Similarly, the “Reminders” section on FCC Form 471 Instructions provides that, “If you are filing electronically, you must also complete and sign with an original ink signature a paper copy of your completed Block 6 Certification, your Item (21) Description of Services, and any other attachments in order to successfully complete the submission of your Form 471 within the application window” (Exhibit 4). Thus, while requiring the paper submission of these documents “in order to successfully complete the submission of your Form 471 within the application window,” the OMB approved FCC Instructions at no point specified a specific time deadline for the submission of the paper documents.

Furthermore, the instructions for the filing of the paper documents displayed during the electronic filing process at no time advised applicants of a date or deadline by which the paper documents had to be mailed or filed with the SLD (*See* attachment Exhibit 5). This would have been the most obvious place to inform applicants of the time by which the paper documents had to be received by SLD. Instead, the instructions merely provided the address to send the paper documents, specifying no deadline whatsoever. Based on this guidance, it was CEBPR’s understanding that the SLD only required that the paper copy of Block 6 and Item 21 be

promptly submitted by mail or other delivery service following electronic filing.

In comparison, SLD's non-OMB approved web site directions imposed a different and more stringent requirement:

1. **Application Materials:** All materials associated with Form 471 must be postmarked no later than January 18, 2001 in order for the request to receive consideration as inside the window. This requirement is to help us give applicants earlier funding decisions. These materials are:
 - The Form 471 itself (whether electronic or paper)
 - The Block 6 certification of the Form 471 with an original signature by the authorized person
 - Item 21 attachment.³

The unapproved requirement is different in two material respects. First, the non-OMB approved directions require that the mailing be completed by the close of the filing window to be considered timely. Second, instead of defining completion as the receipt of the mailed document by SLD, as had been done in previous years,⁴ the non-OMB approved directions changed the definition of completion to being placed in the mail and "postmarked" by the close of the window.⁵ Thus, an applicant relying only on the OMB approved FCC Form 471 Instructions was not only uninformed of the deadline for the paper documents, but additionally had no basis

³ SLD Form 471 Minimum Processing Standards and Filing Requirements for FY4, Filing Requirements for Form 471 Filed Manually and Online, # 1.

⁴ For Year 3, for example, the deadline for paper documents for electronic filers was January 31, 2000, 12 days after the close of the application filing window. See *Certification Deadline Extended, What's New at SLD web site Section*, January 2000.

⁵ Had an applicant read the OMB approved FCC Form Instructions to require the submission of paper documents by the close of the window, this would have led to the illogical conclusion that the paper documents had to be mailed several days before the window deadline to reach the SLD by the deadline. This shows that the Instructions could only be read to impose no express filing deadline for the paper documents.

to ascertain from the FCC Form Instructions that it was a deadline for the “postmarking,” rather than the receipt, of the documents.

SLD’s attempt to impose and enforce the new and more stringent filing requirement is in clear violation of the Paperwork Reduction Act of 1995 (“PRA”).⁶ The PRA provides in pertinent part:

An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director [of the Office of Management and Budget], *unless the modification has been submitted to the Director for review and approval* under this subchapter.⁷

The new and more restrictive filing deadline for the paper documents is a substantive and material modification of the OMB approved filing requirements set forth on FCC Form 471 and the accompanying FCC Form 471 Instructions, particularly in this case because it has been the determiner of whether the funding requests will be considered at all by the SLD. In this specific instance, schools and libraries in Puerto Rico are being denied the opportunity to obtain funding for educational purposes solely because of this new and OMB unapproved filing requirement.

Furthermore, the attempted enforcement of the unapproved filing requirement is a violation of the Applicant’s basic rights under the statute. Under Section 3512 of the PRA (entitled Public Protection), 44 U.S.C. § 3512, “no person shall be subject to a penalty for failing to comply with a collection of information that . . . does not display a valid control number. . .” The statutory protections of Section 3512 are a “complete defense” and “bar” to the penalty and may be raised at any time.⁸ In this case, not only does the new and more stringent SLD

⁶ Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

⁷ 44 U.S.C.A. § 3507(h)(3) (1991 & Supp. 2001) (emphasis added); *United States v. Collins*, 920 F.2d 610, 630 (10th Cir. 1990), *cert. denied*, 500 U.S. 920 (1991).

⁸ 44 U.S.C. § 3512(a), (b). The non-OMB approved web site filing deadline was a “collection of information” within the scope of the statute. The statutory definition of “collection of information” encompasses the process by

information collection requirement violate the PRA and fail to display a valid control number, but the electronic version of the Form 471 used by the Applicants also did not display a valid control number. As shown in Exhibit 6, while the OMB control number is on the first page of the paper version of the Form, no OMB control number is displayed on any portion of the electronic version of the form. This is unlike the Commission's electronic application forms that *do* display a valid OMB control number. For example, attached at Exhibit 7 is a Commission Form 601 that displays the requisite OMB control number. The SLD should not, and legally may not be held to a lesser standard than the Commission with respect to the requirement to display a valid OMB control number on any application filing whether electronic or hard copy. Accordingly, no penalty (particularly including the ultimate penalty of an application rejection) may be imposed for failure to follow the new and more stringent filing requirement.

As indicated above, CEBPR was not aware of this additional requirement at the time the applications were filed electronically and regrets its failure to comply with this one requirement. At the same time, however, under the PRA, OMB approved FCC Instructions must take precedence over SLD reference material published on the web site. This is particularly true in this case in order to avoid disadvantaging a substantial number of applicants serving very low income areas who urgently need funding. Moreover, particularly in areas where English is not the primary language and web site access is more limited, applicants should not be compelled to rely upon web site instructions that are different than the FCC's published instructions approved by OMB.

which the information is collected, as well as the nature of the information. 47 U.S.C. § 3502(3). Furthermore, as agent for the FCC, SLD information collection procedures are subject to PRA. 47 U.S.C. § 3502 (1).

III. UNDER THE E-SIGN ACT, ELECTRONICALLY FILED APPLICATIONS MAY NOT BE REJECTED FOR FAILURE TO FILE PAPER DOCUMENTS WITHIN THE FILING WINDOW.

The Electronic Signatures in Global and National Commerce Act, S. 761 (“E-Sign Act”), signed into law on June 30, 2000, establishes the overall framework governing the use of electronic signatures and records in transactions in or affecting interstate and foreign commerce.⁹ In pertinent part, the E-Sign Act provides that:

Notwithstanding any statute, regulation, or other rule of law . . . with respect to any transaction in or affecting interstate or foreign commerce-

- (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and
- (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.¹⁰

Under the E-Sign Act, not only is the electronic filing of applications in lieu of paper forms recognized, but the Act specifically requires that, where the electronic process is used, the electronic filing and signature cannot be denied legal effect simply because of the lack of supporting paper documentation and signature. In this instance, SLD specifically requested applicants to complete the “Certification and Signature” block as part of the electronic Form 471 application. CEBPR’s Executive Director, as evidenced in the attached Affidavit, did so and filed the electronic application during the filing window. Because these Applications contained the legally binding electronic signatures, the legal effect of the electronic filing cannot be rejected by SLD because of the failure to submit documentation in paper form in the electronic

⁹ See Electronic Signatures in Global and National Commerce Act, S. 761, 106th Cong., 2d Sess. (signed into law June 30, 2000).

¹⁰ E-Sign Act at § 101(a).

filing window. Having itself recognized the validity of electronic signatures and filing procedures without the need for the submission of original signatures or documentation,¹¹ the Commission cannot lawfully apply a different and more stringent requirement to the consideration of the applications processed by SLD.

IV. WAIVER OF SECTION 54.507(C) IS REQUIRED IN THE PUBLIC INTEREST.

Where the particular facts of a case make strict compliance inconsistent with the public interest, the Commission previously has waived electronic window filing requirements to ameliorate the effect of imperfect SLD filing window procedures and prevent hardship to the adversely affected applicants.¹² This case presents exactly this type of situation where such relief is required in the public interest. CEBPR followed all instructions regarding the paper submission of the Block 6 Certification and Item 21 documents set forth in the application form and OMB approved FCC Form 471 Instructions. It was only through web site documents that were not approved by OMB and bore no OMB Control Number that notice of the new and more stringent paper filing requirements could have been obtained. Not only did these non-approved directions efforts fail to give actual notice in this case, but their attempted imposition is unlawful under both the Paperwork Reduction Act and the E-Sign Act.

¹¹ See Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, CC Docket No. 94-129, FCC 00-255, *Third Report and Order and Second Order on Reconsideration*, 15 FCC Rcd 15996 (2000).

¹² See Federal-State Joint Board on Universal Service, Universal Service Support for Eligible Schools and Libraries, Year 3 Filing Window, CC Docket No. 96-45, FCC 00-204, *Order*, 15 FCC Rcd 13932, 13934 ¶ 6 (2000) (*citing WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969)). While the Commission has applied the traditional WAIT “hard look” waiver standard in reviewing most SLD determinations to date, it should be noted that CEBPR’s instant appeal involves only an SLD application processing guideline that has never been reviewed or adopted by the FCC and accordingly is not a “rule” within the meaning of the Administrative Procedure Act or other statutory requirements. Accordingly, the SLD’s guideline is not entitled to any presumption of validity under the standards for administrative consideration of a rule waiver request set forth in WAIT and should be reviewed de novo by the Commission at the time.

The denial of funding consideration for this reason alone is patently unfair to the Applicants and grossly out of proportion to whatever policy reasons might support enforcement of the more stringent and non-approved paper filing requirements. The overwhelming majority of the Applicants are schools and public libraries eligible for a 90% discount. The local communities in Puerto Rico in which these schools and public libraries are located simply do not have the resources to fund these services on their own. If the rejections are not corrected, many will lose existing services that have been provided in prior years under the E-Rate program. In addition, as the notices were received after the start of the new program year and existing services have been continued, they could face liability for all service costs. Others new to the program will lose the opportunity to commence services to their students and library users. To penalize Puerto Rico students for the Applicants' failure to follow a *new and unknown* procedural requirement that was not lawfully implemented would result in an extremely arbitrary and harsh outcome, which would in no way further the underlying purpose of the policy in question. In fact, as the paper documents were received within a few days after the close of the filing window, it is difficult to conceive how SLD processing and administrative procedures could have been disadvantaged in any way by the brief delay in receiving the paper documents.

Because of differing economic and cultural conditions, the Commonwealth of Puerto Rico faces a "digital divide" problem far more serious than most continental United States areas. In this case, funding for some of the most disadvantaged and "Information Poor" schools and libraries in Puerto Rico (and in the United States) is being denied because of what in the end must be viewed as no more than an extremely minor and understandable procedural oversight. According to current SLD published data for Year 4, while over \$700,000,000 in funding has been approved nationwide to date, only slightly more than \$8,000 has been approved for one

eligible institution in Puerto Rico.¹³ These serious imbalances alone require the most careful consideration and grant of this appeal. CEBPR, on behalf of the Applicants, respectfully submits that strict compliance with the SLD's procedural requirements is consistent with the public interest, and therefore, warrants a waiver Section 54.507(c) of the Commission's Rules and any other rule or SLD policy necessary to permit consideration of the applications.


V. CONCLUSION.

For the reasons stated above, the SLD's rejection of the above-referenced applications should be reversed and the SLD directed to reinstate the applications for normal consideration as applications filed within the filing window. To the extent necessary, the Commission should waive the requirements of Section 54.507(c) and any other Commission Rule or SLD policy, and direct SLD to deem the above-referenced applications as having been timely filed.

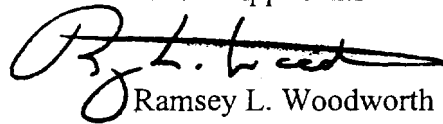
¹³ If calculated on a pro-rata population basis, the citizens of Puerto Rico should expect to receive over \$9,000,000 of the funding approved by SLD to date. This pro rata estimate itself is low given the substantially higher level of poverty and different economic conditions in Puerto Rico.

Respectfully submitted,

CONSORICO DE ESCUELAS Y
BIBLIOTECAS DE PUERTO RICO



Ines O'Neill
Executive Director, CEBPR
and Contact Representative
for the Applicants



Ramsey L. Woodworth
Edgar Class III
SHOOK, HARDY & BACON, LLP
600 14th St. N.W., Suite 800
Washington, DC 20005-2004
Tel: (202) 783-8400
Counsel for CEBPR

September 7, 2001

EXHIBIT 1
SLD/USAC REJECTIONS OF APPLICATIONS

(Rejection notifications omitted from this copy)


EXHIBIT 2
AFFIDAVIT OF INES M. O'NEILL

AFFIDAVIT OF INES M. O'NEILL

COMMONWEALTH OF PUERTO RICO) SS: 088-36-6516
MUNICIPALITY OF SAN JUAN)

Inés M. O'Neill, being duly sworn, hereby deposes and states as follows:

1. I am Executive Director of the Consorcio de Escuelas y Bibliotecas de Puerto Rico (CEBPR), a Consortium of Schools and Libraries in Puerto Rico. As Executive Director, I supervised the filing of all Form 471 applications for CEBPR members during the 2001-2002 Year 4 filing window.
2. For all members, it is CEBPR's practice to file the application electronically with the Schools and Libraries Division of USAC (SLD). The Form 471 applications listed on the attached letter for which CEBPR has received notifications that they were not received in the filing window which closed on 11:59 PM ET on January 18, 2001 were filed electronically with SLD by the close of the filing window. To the best of my recollection, these applications were filed electronically near the end of the filing window on January 18, 2001.
3. With respect to the executed Block 6 Certifications and Signature and Item 21 Attachments for these applications, they were promptly placed in the United States mail for delivery to the Schools and Libraries Division of USAC after electronic filing was completed. To the best of my knowledge, this was done as soon as possible on the next business day following the filing of the applications on Friday, January 19, 2001 or possible Saturday, January 20, 2001. At that time, it was my understanding that SLD procedures required that they be promptly mailed to SLD which I endeavored to do. While I thought I had familiarized myself with all pertinent SLD filing requirements, I was not aware of a requirement that the mailing of these documents be completed before the close of the filing window on January 18, 2001.


Inés M. O'Neill

Affidavit # 5738

SUBSCRIBED AND SWORN before me this 6th day of August, 2001.



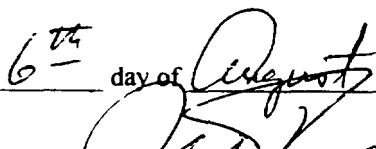

Notary Public
My commission expires: July

EXHIBIT 3
FCC FORM 471 INSTRUCTIONS, SECTION II
FILING REQUIREMENTS AND GENERAL INSTRUCTIONS, PAGE 5

the universal service discount mechanism. The originally signed Form 471 must be filed with the Fund Administrator at the address listed at the bottom of the form: **SLD-Form 471, P.O. Box 7026, Lawrence, Kansas 66044-7026**. For express delivery or U.S. Postal Service Return Receipt, send to: **SLD-Form 471, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046**, phone (888) 203-8100. **DO NOT FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.**

- ***Electronic Filing Instructions:*** You may complete and submit the Form 471 by filing the Form electronically online at the SLD web site, <www.sl.universalservice.org>. If filing your Form 471 electronically, you must also complete and mail to the SLD the following documents in order to successfully complete the submission of your Form 471 application within the application window:
 - the Item (21) description(s) of services, and
 - a paper copy of the Block 6 Certification, completed and signed with an original ink signature, or
 - if you are interested in certifying your form electronically, please check the SLD web site at <www.sl.universalservice.org> to determine if this is an option for you this year or call the SLD Client Service Bureau at 888-203-8100.

You may file more than one Form 471. For example, you may file one Form 471 for internal connections, one for Internet access, and one for telecommunications services. Alternatively, you may file a single Form 471 that includes any combination of these services. As the billed entity for services requested on one or more Forms 470, you may combine services requested on multiple Forms 470 into one Form 471, or you may file a corresponding Form 471 for each Form 470 filed.

Please refer to the detailed instructions for more information about these procedures.

C. Assistance in Completing This Form

There are several sources of assistance to guide you in completing this form. If you complete this Form electronically online at the SLD web site at <www.sl.universalservice.org>, you will be assisted in the process by special step-by-step online instructions. Whether you file online or on paper, you are urged to consult the Reference Area of the SLD web site, <www.sl.universalservice.org>, for guidance in completing this form. Those without web access may obtain similar guidance material by calling the SLD Client Service Bureau via toll-free telephone at **888-203-8100**. Further information is also available from the SLD Client Service Bureau at **888-203-8100**; via e-mail at question@universalservice.org; or via fax at **888-276-8736**.

EXHIBIT 4
FCC FORM 471 INSTRUCTIONS, SECTION IV
REMINDERS, PAGE 26

IV. REMINDERS

- All schools and libraries ordering services eligible for universal service discounts must file Form 471 each time they order telecommunications services, Internet access, and internal connections for which they are requesting discounts.
- Form 470 must be posted to the SLD web site for 28 days before filing Form 471.
- The authorized individual representing the entity that pays the bills for ordered telecommunications and other supported services for the school, school district, or libraries, or consortium must sign Form 471.
- Provide data for all items that apply. For items that do not apply, fill in "N/A."
- Attach additional sheets if necessary. Any attachments to Form 471 should be clearly labeled. In addition, your attachments for Item (21) description of services must be clearly labeled with Attachment Numbers assigned by you.
- If you are filing electronically, PLEASE use your browser to print out a copy of YOUR ENTIRE APPLICATION **before** you select "Submit." Keep this as your file copy for future reference.
- If you are filing electronically, you must also complete and sign with an original ink signature a paper copy of your completed Block 6 Certification, your Item (21) description of services, and any other attachments in order to successfully complete the submission of your Form 471 within the application window. Please make sure that on the top of each page you submit, you legibly print the name of the Form 471 applicant; your Form 471 Applicant's Form Identifier; the Form 471 Application Number (from the top of your Block 6 page); the contact person name and contact person address.
- The Fund Administrator will notify the Form 471 applicant after our review of your application has been completed.
- The Fund Administrator will not provide funds to service providers for any service until FCC Form 486 is filed for that service, indicating that the service recipient's technology plan(s) (if necessary) has/have been approved (unless the recipient seeks only basic local and long distance telephone service) and that service has begun to be provided.
- You may be audited to ensure that the information that you are providing in this form is accurate and that you are abiding by all of the relevant regulations.

EXHIBIT 5
FCC FORM 471 .
BLOCK 6: CERTIFICATIONS AND SIGNATURE

HOME

CANCEL

HELP

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: EC1-013

Entity Number: 205387

Contact Person: Ines O'Neill

Phone Number: (787) 501-5663

Block 6: Certifications and Signature

Do not write in this area

471 Application Number: 228813

24. The entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities

25. The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved; and/or
- b. ☐ technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person

35. Date

36. Printed name of authorized person **Sister Ida Negron**

37. Title or position of authorized person **Directora**

38. Telephone number of authorized person **(787) 872- 2406**

**471 Application Number: 228813
COLEGIO SAN ANTONIO
BOX 897 - CALLE CORCHADO # 26
ISABELA, PR 00662**

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communication Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork

REGULATORY ACT OF 1995, PUB. L. NO. 104-19, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to: SLD - Form 471
P.O. Box 7026
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD - Form 471
C/O Ms. Smith
3833 Greenway Drive
Lawrence, KS 66046
(888) 203-8100

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EXHIBIT 6
FORM 471 – ELECTRONIC VERSION

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Do you think your school or library is eligible for SLD assistance? Check the Reference Area of this Web Site for detailed program application information. In this area you can file an application or continue with an incomplete application. Complete the forms, print them out and follow the directions for submission.

Caution: Do not use your browser 'Back' and 'Forward' buttons to navigate through this Web Site. The 'Enter' key also should not be used. Use only the buttons located on the SLD Web Pages. For guidance on how to navigate through the online Form 471, please see our [Form 471 Online Navigation Guide](#).

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Form 471

Services Ordered
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Questions about the SLD Program? Call our Client Service Bureau at (888) 203-8100.

Please direct site questions and comments to: comments@universalservice.org

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